

§ 80.60

- (F) 9 GHz Radar Transponder (GMDSS approved);
- (G) Ship Earth Station;
- (H) 500 kHz Distress Frequency Watch Receiver;
- (I) 2182 Radiotelephone Auto Alarm;
- (J) Reserve Power Supply (capability); and
- (K) Any other equipment.

(2) Feeable applications for exemption must be filed with Mellon Bank, Pittsburgh, Pennsylvania at the address set forth in §1.1102. Waiver requests that do not require a fee should be submitted via the Universal Licensing System or to: Federal Communications Commission, 1270 Fairfield Road, Gettysburg, Pennsylvania 17325-7245. Emergency requests must be filed with the Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW., TW-B204, Washington, DC 20554.

NOTE: With emergency requests, do not send the fee, you will be billed.

(d) *Waiver of annual inspection.* (1) The Commission may, upon a finding that the public interest would be served, grant a waiver of the annual inspection required by Section 362(b) of the Communications Act, 47 U.S.C. 360(b), for a period of not more than 90 days for the sole purpose of enabling a United States vessel to complete its voyage and proceed to a port in the United States where an inspection can be held. An informal application must be submitted by the ship's owner, operator or authorized agent. The application must be submitted to the Commission's District Director or Resident Agent in charge of the FCC office nearest the port of arrival at least three days before the ship's arrival. The application must include:

- (i) The ship's name and radio call sign;
- (ii) The name of the first United States port of arrival directly from a foreign port;
- (iii) The date of arrival;
- (iv) The date and port at which annual inspection will be formally requested to be conducted;
- (v) The reason why an FCC-licensed technician could not perform the inspection; and
- (vi) A statement that the ship's compulsory radio equipment is operable.

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(2) Vessels that are navigated on voyages outside of the United States for more than 12 months in succession are exempted from annual inspection required by section 362(b) of the Communications Act, provided that the vessels comply with all applicable requirements of the Safety Convention, including the annual inspection required by Regulation 9, Chapter I, and the vessel is inspected by an FCC-licensed technician in accordance with this section within 30 days of arriving in the United States.

[51 FR 31213, Sept. 2, 1986, as amended at 56 FR 64715, Dec. 12, 1991; 60 FR 50122, Sept. 28, 1995; 61 FR 8478, Mar. 5, 1996; 61 FR 25805, May 23, 1996; 63 FR 29658, June 1, 1998; 63 FR 68956, Dec. 14, 1998; 64 FR 53241, Oct. 1, 1999]

EFFECTIVE DATE NOTE: At 68 FR 46960, Aug. 7, 2003, §80.59 was amended by revising paragraph (c)(1)(x)(C) effective October 6, 2003. For the convenience of the user the revised text is set forth as follows:

§ 80.59 Compulsory ship inspections.

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- (c) * * *
- (1) * * *
- (x) * * *
- (C) Category 1, 406.0-406.1 MHz EPIRB (GMDSS approved);

§ 80.60 Partitioned licenses and disaggregated spectrum.

(a) *Eligibility.* The following licensees may partition their service areas or disaggregate their spectrum. Parties seeking approval for partitioning and disaggregation shall request an authorization for partial assignment pursuant to §1.948 of this chapter.

(1) VHF Public Coast area licensees, see §80.371(c)(1)(ii), may partition their geographic service area or disaggregate their spectrum pursuant to the procedures set forth in this section.

(2) AMTS geographic area licensees, see §80.385(a)(3), may partition their geographic service area or disaggregate their spectrum pursuant to the procedures set forth in this section. Site-based AMTS public coast station licensees may partition their license or disaggregate their spectrum pursuant

to the procedures set forth in this section, provided that the partitionee or disaggregatee's predicted 38 dBu signal level contour does not extend beyond the partitioner or disaggregator's predicted 38 dBu signal level contour. The predicted 38 dBu signal level contours shall be calculated using the F(50, 50) field strength chart for Channels 7-13 in § 73.699 (Fig. 10) of this chapter, with a 9 dB correction for antenna height differential.

(3) Nationwide or multi-region LF, MF, and HF public coast station licensees, see §§ 80.357(b)(1), 80.361(a), 80.363(a)(2), 80.371(b), and 80.374, may partition their spectrum pursuant to the procedures set forth in this section, except that frequencies or frequency pairs licensed to more than one licensee as of March 13, 2002 may be partitioned only by the earliest licensee, and only on the condition that the partitionee shall operate on a secondary, non-interference basis to stations licensed as of March 13, 2002 other than the earliest licensee. Coordination with government users is required for partitioning of spectrum the licensing of which is subject to coordination with government users.

(b) *Technical standards.* (1) *Partitioning.* In the case of partitioning, all requests for authorization for partial assignment of a license must include, as an attachment, a description of the partitioned service area. The partitioned service area shall be defined by coordinate points at every 3 degrees along the partitioned service area unless an FCC-recognized service area is utilized (e.g., Metropolitan Service Area, Rural Service Area, or Economic Area) or county lines are used. The geographic coordinates must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude, and must be based upon the 1983 North American Datum (NAD83). In a case where an FCC-recognized service area or county lines are utilized, applicants need only list the specific area(s) (through use of FCC designations or county names) that constitute the partitioned area.

(2) *Disaggregation.* VHF (156-162 MHz) spectrum may only be disaggregated according to frequency pairs. AMTS

spectrum may be disaggregated in any amount.

(3) *Combined partitioning and disaggregation.* The Commission will consider requests for partial assignment of licenses that propose combinations of partitioning and disaggregation.

(c) *License term.* The license term for a partitioned license area and for disaggregated spectrum shall be the remainder of the original licensee's term as provided for in § 80.25 of this part.

(d) *Construction Requirements.* (1) *Partitioning.* Partial assignors and assignees for license partitioning have two options to meet construction requirements. Under the first option, the partitioner and partitionee would each certify that they will independently satisfy the substantial service requirement for their respective partitioned areas. If either licensee failed to meet its substantial service showing requirement, only the non-performing licensee's renewal application would be subject to dismissal. Under the second option, the partitioner certifies that it has met or will meet the substantial service requirement for the entire market. If the partitioner fails to meet the substantial service standard, however, only its renewal application would be subject to forfeiture at renewal.

(2) *Disaggregation.* Partial assignors and assignees for license disaggregation have two options to meet construction requirements. Under the first option, the disaggregator and disaggregatee would certify that they each will share responsibility for meeting the substantial service requirement for the geographic service area. If parties choose this option and either party fails to do so, both licenses would be subject to forfeiture at renewal. The second option would allow the parties to agree that either the disaggregator or the disaggregatee would be responsible for meeting the substantial service requirement for the geographic service area. If parties choose this option, and the party responsible for meeting the construction requirement fails to do so, only the license of the nonperforming party would be subject to forfeiture at renewal.

(3) *Site-based AMTS, and nationwide or multi-region LF, MF, and HF public*

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coast. Parties seeking to acquire a partitioned license or disaggregated spectrum from a site-based AMTS, or nationwide or multi-region LF, MF, and HF public coast licensee will be required to construct and commence "service to subscribers" in all facilities acquired through such transactions within the original construction deadline for each facility as set forth in § 80.49. Failure to meet the individual construction deadline will result in the automatic termination of the facility's authorization.

[63 FR 40063, July 27, 1998, as amended at 67 FR 48563, July 25, 2002]

Subpart C—Operating Requirements and Procedures

STATION REQUIREMENTS—GENERAL

§ 80.61 Commission inspection of stations.

All stations and required station records must be made available for inspection by authorized representatives of the Commission.

§ 80.63 Maintenance of transmitter power.

(a) The power of each radio transmitter must not be more than that necessary to carry on the service for which the station is licensed.

(b) Except for transmitters using single sideband and independent sideband emissions, each radio transmitter rated by the manufacturer for carrier power in excess of 100 watts must contain the instruments necessary to determine the transmitter power during its operation.

STATION REQUIREMENTS—LAND STATIONS

§ 80.67 General facilities requirements for coast stations.

(a) All coast stations licensed to transmit in the band 156–162 MHz must be able to transmit and receive on 156.800 MHz and at least one working frequency in the band.

(b) All coast stations that operate telephony on frequencies in the 1605–3500 kHz band must be able to transmit and receive using J3E emission on the frequency 2182 kHz and at least one work-

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ing frequency in the band. In addition, each such public coast station must transmit and receive H3E emission on the frequency 2182 kHz.

EFFECTIVE DATE NOTE: At 68 FR 46960, Aug. 7, 2003, § 80.67 was amended by revising paragraph (b) effective October 6, 2003. For the convenience of the user, the revised text is set forth as follows:

§ 80.67 General facilities requirements for coast stations.

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(b) All coast stations that operate telephony on frequencies in the 1605–3500 kHz band must be able to transmit and receive using J3E emission on the frequency 2182 kHz and at least one working frequency in the band.

§ 80.68 Facilities requirements for public coast stations using telegraphy.

Public coast station using telegraphy must be provided with the following facilities.

(a) Stations having a frequency assignment below 150 kHz must:

(1) Transmit A1A emission on at least one working frequency within the band 100–150 kHz;

(2) Receive A1A emission on all radio channels authorized for transmission by mobile stations operating in the maritime mobile service for telegraphy within the band 100–150 kHz.

(b) Stations having a frequency assignment within the 405–525 kHz band must transmit and receive on 500 kHz and at least one working frequency in the band.

(c) Stations having frequency assignments above 4000 kHz must be equipped to receive on each of their assigned frequencies and all ship station radiotelegraphy frequencies in the same subband as the assigned frequency of the coast station. See subpart H of this part for the list of frequencies.

§ 80.69 Facilities requirement for public coast stations using telephony.

Public coast stations using telephony must be provided with the following facilities.

(a) When the station is authorized to use frequencies in the 1605–3500 kHz band, equipment meeting the requirements of § 80.67(b) must be installed at each transmitting location.